
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1549) TO AMEND PUBLIC LAW 111-148 TO TRANSFER FISCAL YEAR 2013 THROUGH FISCAL YEAR 2016 FUNDS FROM THE PREVENTION AND PUBLIC HEALTH FUND TO CARRY OUT THE TEMPORARY HIGH RISK HEALTH INSURANCE POOL PROGRAM FOR INDIVIDUALS WITH PREEXISTING CONDITIONS, AND TO EXTEND ACCESS TO SUCH PROGRAM TO SUCH INDIVIDUALS WHO HAVE HAD CREDITABLE COVERAGE DURING THE 6 MONTHS PRIOR TO APPLICATION FOR COVERAGE THROUGH SUCH PROGRAM

April 23, 2013.—Referred to the House Calendar and ordered to be printed.

MR. BURGESS, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 9 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1549, the Helping Sick Americans Now Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-8 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and

an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of 302(f) of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority in excess of a committee's 302(a) allocation of such authority and section 311(a) of the Congressional Budget Act of 1974, prohibiting the consideration of a measure which would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 4 of rule XXI, which prohibits reporting a bill or joint resolution carrying an appropriation from a committee not having jurisdiction to report an appropriation.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 23

Motion by Ms. Slaughter to report an open rule. Defeated: 2-9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Cole.....	Nay	Mr. Hastings of Florida.....	
Mr. Woodall.....	Nay	Mr. Polis.....	
Mr. Nugent.....	Nay		
Mr. Webster.....	Nay		
Ms. Ros-Lehtinen.....	Nay		
Mr. Burgess.....	Nay		
Mr. Sessions, Chairman.....	Nay		

Rules Committee Record Vote No. 24

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #1 offered by Rep. Pallone Jr. (NJ), which makes the same changes to the PCIP program that the underlying bill does, but is paid for through a 4 cent per pack increase in the tax on cigarettes; amendment #2 offered by Rep. Pallone Jr. (NJ), which makes the same changes to the PCIP program that the underlying bill does, but is paid for by continuing the solvency of the Oil Spill Liability Trust Fund by increasing the per-barrel amount that oil companies are required to pay into the fund by four cents; amendment #3 offered by Rep. Schakowsky (IL), which extends funding for reopening enrollment under the Preexisting Condition Insurance Program (PCIP) through the modification of class life for corporate jets; amendment #4 offered by Rep. Capps (CA), which removes the public health and prevention trust fund as a pay-for and instead pays for the bill by ending the section 199 domestic manufacturing deduction for oil and gas production; amendment #5, offered Rep. Green (TX), which makes the same changes to the PCIP program that the underlying bill does, but is paid for by requiring a minimum term and a remainder interest greater than zero for new Grantor Retained Annuity Trusts (GRATs); and amendment #10 offered by Rep. Horsford (NV), which seeks to protect funds in the Prevention and Public Health Fund that are to be used for reducing health disparities in minority populations. Defeated: 2-9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Cole.....	Nay	Mr. Hastings of Florida.....	
Mr. Woodall.....	Nay	Mr. Polis.....	
Mr. Nugent.....	Nay		
Mr. Webster.....	Nay		
Ms. Ros-Lehtinen.....	Nay		
Mr. Burgess.....	Nay		
Mr. Sessions, Chairman.....	Nay		

Rules Committee Record Vote No. 25

Motion by Ms. Foxx to report the rule. Adopted: 9-2

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Bishop of Utah.....	Yea	Mr. McGovern.....	Nay
Mr. Cole.....	Yea	Mr. Hastings of Florida.....	
Mr. Woodall.....	Yea	Mr. Polis.....	
Mr. Nugent.....	Yea		
Mr. Webster.....	Yea		
Ms. Ros-Lehtinen.....	Yea		
Mr. Burgess.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. **Pitts (PA), Upton (MI): Terminates the prevention fund after FY 2016 and authorizes a state-based high-risk pool program. (10 minutes)**
2. **Brownley, Julia (CA): Requires that within 90 days of enactment of H.R. 1549, the Secretary of Health and Human Services shall prepare a report to Congress detailing the exact amount of money to be transferred out of the Prevention and Public Health Fund, and how that transfer will impact the access of uninsured and underinsured children, adolescents, and adults to immunization programs, Alzheimer's disease education and prevention programs, and the Baby Friendly Hospital Initiative and maternal care programs. (10 minutes)**

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PITTS OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO RULES COMMITTEE PRINT 113-8

OFFERED BY Mr. Pitts

Page 3, after line 2, insert the following:

1 **SEC. 5. TERMINATING FUNDING FOR PREVENTION AND**
2 **PUBLIC HEALTH FUND AFTER FISCAL YEAR**
3 **2016.**

4 Section 4002(b) of Public Law 111-148 (42 U.S.C.
5 300u-11(b)), as amended by section 3205 of the Middle
6 Class Tax Relief and Job Creation Act of 2012, is further
7 amended—

8 (1) in paragraph (1), by inserting “and” after
9 the semicolon;

10 (2) in paragraph (2)—

11 (A) by striking “2017” and inserting
12 “2016”; and

13 (B) by striking the semicolon and inserting
14 a period; and

15 (3) by striking each of paragraphs (3) through
16 (5).

17 **SEC. 6. ESCAPE VALVE FROM THE TRAINWRECK.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services (referred to in this section as the “Sec-
20 retary”) shall award block grants to States to provide for

1 the development of innovative models that ensure afford-
2 able health insurance coverage for Americans with pre-ex-
3 isting health conditions.

4 (b) USE OF FUNDS.—A State shall use amounts re-
5 ceived under a grant under this section for innovative
6 State high-risk pool programs that meet the requirements
7 of subsection (c) and that ensure the provision of afford-
8 able health insurance coverage for eligible individuals de-
9 scribed in subsection (d) with pre-existing health condi-
10 tions. Such funds may be used for the development, start-
11 up, and funding of new State high-risk pools satisfying
12 such requirements and for the enhancement of funding for
13 existing State high-risk pools satisfying such require-
14 ments.

15 (c) REQUIREMENTS FOR HIGH RISK POOL.—For
16 purposes of this section, the requirements described in this
17 subsection, for a State high-risk pool are each of the fol-
18 lowing requirements:

19 (1) The pool provides at least two health insur-
20 ance coverage options, one of which being a high de-
21 ductible health plan coupled with a health savings
22 account.

23 (2) The pool is funded with a stable funding
24 source.

1 (3) The pool does not have any waiting lists so
2 that all eligible individuals described in subsection
3 (d) who are seeking coverage through the pool are
4 allowed to receive coverage through the pool.

5 (4) The pool allows for coverage of individuals
6 who, but for the 24-month disability waiting period
7 under section 226(b) of the Social Security Act (42
8 U.S.C. 426(b)), would be eligible for Medicare under
9 title XVIII of such Act during such waiting period.

10 (5) The premium rate charged for health insur-
11 ance coverage offered to eligible individuals through
12 the pool does not exceed the rate that is 150 percent
13 of the average premium rate for applicable standard
14 risk populations in the State.

15 (d) ELIGIBLE INDIVIDUALS.—For purposes of this
16 section, an eligible individual described in this subsection,
17 with respect to a State high risk pool funded by a grant
18 under this section, is an individual who—

19 (1) is a resident of such State; and

20 (2) complies with any other requirements estab-
21 lished by the State for participation in such pool.

22 (e) AMOUNT OF GRANT.—The amount of a grant to
23 a State under this section shall be determined by the Sec-
24 retary based on a review of State applications and re-
25 quests.

1 (f) LIMITATION ON ABORTION FUNDING.—No funds
2 authorized by this section may be used to pay for any
3 abortion or to cover any part of the costs of any health
4 plans that includes coverage of abortion, except—

5 (1) if the pregnancy is the result of an act of
6 rape or incest; or

7 (2) in the case where a pregnant woman suffers
8 from a physical disorder, physical injury, or physical
9 illness that would, as certified by a physician, place
10 the woman in danger of death unless an abortion is
11 performed, including a life-endangering physical con-
12 dition caused by or arising from the pregnancy
13 itself.

14 (g) PRE-EXISTING CONDITION DEFINED.—For pur-
15 poses of this section, the term “pre-existing condition”
16 means, with respect to an individual, a medical or other
17 condition of the individual that exists prior to the date
18 on which such individual attempts to enroll in health in-
19 surance coverage, whether or not any medical advice, diag-
20 nosis, care, or treatment was recommended or received for
21 such condition before such date.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section for

- 1 fiscal year 2014, \$5,000,000,000, to be made available to
- 2 States for calendar year 2014.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWNLEY OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO RULES COMMITTEE PRINT 113-8
OFFERED BY MS. BROWNLEY OF CALIFORNIA

Page 3, after line 2, add the following:

1 **SEC. 5. REPORT ON IMPACT OF TRANSFERRING FUNDS**
2 **FROM PREVENTION AND PUBLIC HEALTH**
3 **FUND.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of Health and Human
6 Services shall submit to Congress a report on—

7 (1) the total amount of funds that are trans-
8 ferred from the Prevention and Public Health Fund
9 under section 4002(c) of Public Law 111-148 pursu-
10 ant to the amendment made by section 2 of this Act;
11 and

12 (2) the impact such transfer would have on ac-
13 cess to—

14 (A) immunizations for uninsured and
15 underinsured children, adolescents, and adults;

16 (B) Alzheimer's disease education and pre-
17 vention programs; and

18 (C) the Baby Friendly Hospitals Initiative
19 and maternal care programs.

